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**From:** Hawkins, Kyle [Kyle.Hawkins@oag.texas.gov]  
**Sent:** 9/16/2019 10:01:50 PM  
**To:** Leopold, Matt (OGC) [Leopold.Matt@epa.gov]  
**CC:** Mutz, John (Fletcher) [mutz.john@epa.gov]  
**Subject:** RE: Meeting re: In re Volkswagen, No. 18-15937 (9th Cir.)

Matt,

It was nice to catch up with you and David Fotouhi last week. As we discussed, Texas would like to continue that conversation later this week now that we've had a chance to consult with our client agencies and think more on our interests.

If your schedule permits, we could do a call early Friday morning or anytime Friday afternoon.

Best,  
Kyle

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**From:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Sent:** Tuesday, September 10, 2019 11:16 AM  
**To:** Hawkins, Kyle <Kyle.Hawkins@oag.texas.gov>  
**Cc:** Bash, Zina <Zina.Bash@oag.texas.gov>; Sweeten, Patrick <Patrick.Sweeten@oag.texas.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>  
**Subject:** RE: Meeting re: In re Volkswagen, No. 18-15937 (9th Cir.)

Hello Kyle,

I'm looking forward to the meeting on Friday. I was wondering if you might have a few minutes to talk on another matter today or tomorrow.

Regards, Matt

**Matthew Z. Leopold**  
General Counsel  
U.S. Environmental Protection Agency  
(202) 564-8040

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**From:** Hawkins, Kyle <Kyle.Hawkins@oag.texas.gov>  
**Sent:** Wednesday, August 28, 2019 7:47 PM  
**To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>  
**Cc:** Bash, Zina <Zina.Bash@oag.texas.gov>; Sweeten, Patrick <Patrick.Sweeten@oag.texas.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>  
**Subject:** RE: Meeting re: In re Volkswagen, No. 18-15937 (9th Cir.)

Matt,

Thanks again for getting back to us.

We'd like to propose for your consideration a meeting at your office on Tuesday, Sept. 10, anytime before 4pm.

If that's inconvenient for your schedule, or if that's too late in the process such that the EPA will already have reached a firm view of the question presented, we could make any day next week work (though only a portion of our team would be able to attend). The same goes for other days the week of Sept. 9.

Thanks again for your consideration.

Best,  
Kyle

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**From:** Hawkins, Kyle  
**Sent:** Tuesday, August 27, 2019 10:11 PM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Cc:** Bash, Zina <[Zina.Bash@oag.texas.gov](mailto:Zina.Bash@oag.texas.gov)>; Sweeten, Patrick <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>; Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Subject:** RE: Meeting re: In re Volkswagen, No. 18-15937 (9th Cir.)

Matt,

Thanks so much. Tomorrow I'll coordinate schedules with the Texas team and propose some dates for us to come to D.C. We look forward to it.

Best,  
Kyle

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**From:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Sent:** Tuesday, August 27, 2019 5:58 PM  
**To:** Hawkins, Kyle <[Kyle.Hawkins@oag.texas.gov](mailto:Kyle.Hawkins@oag.texas.gov)>  
**Cc:** Bash, Zina <[Zina.Bash@oag.texas.gov](mailto:Zina.Bash@oag.texas.gov)>; Sweeten, Patrick <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Schwab, Justin <[Schwab.Justin@epa.gov](mailto:Schwab.Justin@epa.gov)>; Mutz, John (Fletcher) <[mutz.john@epa.gov](mailto:mutz.john@epa.gov)>  
**Subject:** Re: Meeting re: In re Volkswagen, No. 18-15937 (9th Cir.)

Hello Kyle,

Thanks for the email. We'd be happy to meet and we'd like to include some others at EPA with interests in this issue. I've copied some folks to help work on arrangements. I look forward to it.

Matt

Sent from my iPhone

On Aug 26, 2019, at 11:14 AM, Hawkins, Kyle <[Kyle.Hawkins@oag.texas.gov](mailto:Kyle.Hawkins@oag.texas.gov)> wrote:

Matt,

I'm reaching out to you on *In re: Volkswagen Clean Diesel*, No. 18-15937 (9th Cir). Texas is following this case closely and was interested to see the Ninth Circuit's August 22 order calling for the views of the SG and/or EPA on whether section 7522(a)(3) preempts state law.

Although we're not directly involved in that case, Texas has a strong interest in the proper resolution of that question. To that end, we would like to request a meeting with you and your staff to present our view.

We are available to come to your offices in D.C. at your convenience. If at all possible, we would like the opportunity to present our view to you before the federal government comes to a firm decision on how it should respond to the court.

Thank you for your consideration.

Best regards,  
Kyle

Kyle Hawkins  
Solicitor General of Texas